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MEMO ENDORSED

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October 18, 2012

*10/31/12 conference adjourned to:  
4:00 PM. on 11-29-2012*

**VIA FEDERAL EXPRESS**

Honorable Cathy Seibel  
United States District Court  
Southern District of New York  
United States Courthouse  
300 Quarropas Street, Courtroom 218  
White Plains, New York 10601-4150

**So Ordered.**

*Cathy Seibel*  
Cathy Seibel, U.S.D.J.

Re: *DDAVP Indirect Purchaser Antitrust Litigation* (05 Civ.2237 (CS))

Dated: *10/19/12*

Dear Judge Seibel,

I, along with my co-counsel, represent the Indirect Purchaser Plaintiffs in this action. On October 17, 2012, the Court issued its Order granting in part and denying in part Defendants' Motion to Dismiss. In the Order, the Court directed the parties to appear for a status conference on October 31, 2012, at 3:00 p.m.

For the following reasons, I respectfully request that the Court move the date of the status hearing. First, I would like to advise the Court that the Indirect Purchaser Plaintiffs have reached a settlement in principle with Ferring. We would like to have the settlement documents executed before coming before the Court so we can discuss notice and other preliminary approval issues. Second, since the case will continue against Aventis, Aventis and the Indirect Purchaser Plaintiffs both believe it makes more sense for them to meet and confer regarding a scheduling order before we appear before the Court to discuss how the case should proceed. Lastly, on a more personal note, my two young girls have requested that I be in Miami to walk them around on Halloween.

I have conferred with defense counsel for both defendants, and I can represent that neither objects to continuing the status hearing.

Your Law Clerk requested that I include alternate dates. I can represent that November 29<sup>th</sup> or 30<sup>th</sup> are available for all counsel. I therefore respectfully request that the Court continue the October 31<sup>st</sup> status hearing to a future date, preferably November 29<sup>th</sup> or 30<sup>th</sup>.

Respectfully submitted,

*[Signature]*  
Kevin B. Love

cc: Counsel for Defendants

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